

1 GIBSON, DUNN & CRUTCHER LLP
2 THEODORE J. BOUTROUS, JR., SBN 132099
3 H. MARK LYON, SBN 162061
4 ETHAN D. DETTMER, SBN 196046
5 1881 Page Mill Road
6 Palo Alto, California 94304
7 Telephone: (650) 849-5300
8 Facsimile: (650) 849-5333

9 JENNER & BLOCK LLP
10 PAUL M. SMITH (*pro hac vice* application pending)
11 KATHERINE A. FALLOW (*pro hac vice* application pending)
12 AMY L. TENNEY (*pro hac vice* application pending)
13 601 13th Street, N.W., Suite 1200
14 Washington, D.C. 20005
15 Telephone: (202) 639-6000
16 Facsimile: (202) 639-6066

17 Attorneys for Plaintiffs
18 VIDEO SOFTWARE DEALERS ASSOCIATION
19 and ENTERTAINMENT SOFTWARE ASSOCIATION

20 UNITED STATES DISTRICT COURT
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA

22 VIDEO SOFTWARE DEALERS
23 ASSOCIATION and ENTERTAINMENT
24 SOFTWARE ASSOCIATION,

25 Plaintiffs,

26 v.

27 ARNOLD SCHWARZENEGGER, in his official
28 capacity as Governor of the State of California;
BILL LOCKYER, in his official capacity as
Attorney General of the State of California;
GEORGE KENNEDY, in his official capacity as
Santa Clara County District Attorney, RICHARD
DOYLE, in his official capacity as City Attorney
for the City of San Jose, and ANN MILLER
RAVEL, in her official capacity as County
Counsel for the County of Santa Clara,

Defendants.

CASE NO. C 05 4188

DECLARATION OF DAVID ROSEN
IN SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

VIDEO SOFTWARE)
DEALERS ASSOCIATION and)
ENTERTAINMENT SOFTWARE)
ASSOCIATION,)

Plaintiffs,)

vs.)

ARNOLD SCHWARZENEGGER, in his)
official capacity as Governor of the State of)
California; BILL LOCKYER, in his)
official capacity as Attorney General of the)
State of California; GEORGE KENNEDY,)
in his official capacity as Santa Clara)
County District Attorney, RICHARD)
DOYLE, in his official capacity as City)
Attorney for the City of San Jose, and)
ANN MILLER RAVEL, in her official)
capacity as County Counsel for the County)
of Santa Clara,)

Defendants.)

C.A. 05-4188

DECLARATION OF DAVID ROSEN

Pursuant to 28 U.S.C. § 1746, I, David Rosen, under penalty of perjury state as follows:

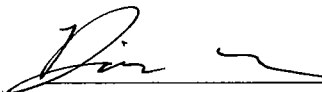
1. I am currently employed as a Product Manager at Electronic Arts Inc. (hereinafter "EA"). I have been employed at EA since July 2002. I have personal knowledge of the facts stated in this declaration.

2. EA is an independent developer and publisher of interactive entertainment software products for video game console systems such as Microsoft's Xbox, Sony PlayStation 2 and Nintendo GameCube, personal computers, mobile video devices and the Internet. EA headquarters is located in Redwood City, California. EA employs approximately 6,000 people worldwide.

3. One of the games that EA developed, marketed and published is *Medal of Honor Frontline*. A true and accurate copy of the PlayStation 2 version of the game, in its entirety and final form, is attached as Exhibit A. A videotape of *Medal of Honor Frontline* being played is attached as Exhibit B. I certify that Exhibit B is a true, accurate, and representative sample of *Medal of Honor Frontline*.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed on October 12, 2005 at Redwood City, CA

A handwritten signature in black ink, appearing to read "David Rosen", is written over a horizontal line.

David Rosen

Exhibits A (video game “Medal of Honor Frontline”) & B (videotape of “Medal of Honor Frontline”) to the Declaration of David Rosen are enclosed in a separately filed envelope